

REMARKS**I. Status of the Claims**

Claims 4, 7, 12-14 were canceled in an earlier amendment.

Claims 1 and 10 have been amended. The amendments do not add new matter.

Claims 1-3, 5-6 and 8-11 are currently pending.

II. Telephone Interview

Applicant's attorneys would like to thank the Examiner for all the courtesies extended during the telephone interview held on July 30, 2007 during which James Tuozzo discussed the interpretation of intended use asserted by the Examiner.

III. Claim Rejections under 35 U.S.C. § 102(b) and § 103(a)

Claims 1-3 and 5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,662,039 to Heynen. Claim 6 stands rejected under 35 U.S.C. § 103(a) as being obvious over Heynen in view of Lobner (U.S. Patent 1,677,146).

Claims 1, 2, 3, 5, 10 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 690,864 to Louder. Claim 6 stands rejected under 35 U.S.C. § 103(a) as being obvious over Louder.

Claims 1, 2, 3, 5, 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 2,057,838 to Levy in view of Heynen. Claims 8 and 9 stand rejected under 35

U.S.C. § 103(a) as being unpatentable over anyone of Heynen, Louder or Levy, in view of Sanchez or Hallam.

Applicant addresses the above rejections together. Applicant has amended independent claim 1, removing the limitation “when retained in the bottom portion.” Claim 1, as amended, recites 1) that the necktie is **“arranged within the box so as to be rolled about it itself”** and 2) that the elastic member is “disposed so as to retain the necktie by overlying a first portion of the rolled necktie **while being concealed by a second portion of the rolled necktie such that the elastic member is concealed from view within the box.**”

The amendments clarify what Applicant has previously argued and what the Examiner has already considered, namely, that the claims concern a packaged product that is adapted for retail purposes to display a necktie in a box while retaining it so that the packaged necktie is normally prevented from separation from the box. The necktie was and remains a positive element of the claim. Furthermore, the necktie now is recited in a rolled configuration, a portion of which conceals the elastic member from view. The prior art already did not have the retaining member concealed from view. Applicant submits that claim 1, as amended, undoubtably differentiates patentably over the art of record.

Heynen, Lobner, Louder, Levy, Fleisch, Bracken, Gordon, Hallam, Sanchez, Kulka and Ikemoto do not teach or suggest the elements of claim 1, alone, or in combination. The prior art of record does not disclose and is not concerned with retaining a necktie in a display box while hiding the elastic retaining member so that the necktie can be more attractively presented to prospective purchasers.

Applicant submits that the present invention is directed to a packaging arrangement that not only retains neckties, but also attractively displays them. The amendment makes express that the necktie itself conceals the elastic member from view while the decorative necktie is displayed within the box. This is the case when the box is in an open position and therefore distinguishes structurally over the cited references. This is also evident in the figures, several of which show the tie after it has been retained by a concealed elastic member. This arrangement advantageously retains the necktie in the display box while hiding the elastic retaining member so that the necktie can be more attractively presented to prospective purchasers yet is retained to prevent separation, soiling, theft, etc.

Prior art necktie packaging arrangements were not concerned with concealing retaining members from view to best display the necktie with the container uncovered. In view of the above amendments, Applicant submits that the case is in condition for allowance and respectfully requests that the pending claims be allowed and the case passed to issue.

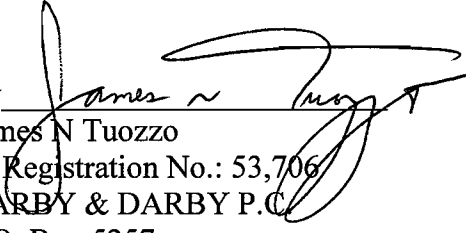
CONCLUSION

In view of the above remarks, it is believed that Claims 1-3, 5-6 and 8-11 are in condition for allowance. It is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either, a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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